REMARKS

Applicant is in receipt of the Office Action mailed June 23, 2003. Reconsideration of the present case is earnestly requested in light of the following remarks.

Double-Patenting Rejection

Claims 15, 17-20, 22-32, 36, 38, 40, 42, 44-47, 49-59, 63, 65, 67, 69-84, 86-122 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-90 of U.S. Patent No. 6,064,812, referred to herein as the '812 Patent.

Applicant hereby includes a Terminal Disclaimer to overcome the rejection. Applicant notes that the Terminal Disclaimer will be mailed shortly.

Section 103 Rejections

Claims 15, 17-20, 22-32, 36, 38, 40, 42, 44-47, 49-59, 63, 65, 67, 69-84, 86-122 were rejected under §103 as being unpatentable over Fowlow in view of Cain. Claims 69, 112, 116, 117, and 120 have been amended. Claims 82 and 115 have been cancelled.

Claim 15

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow as applied to claims 1-14 of the previous action, and further in view of Cain.

Examiner equates Fowlow's visual representation of links to a graphical data flow program. Applicant respectfully disagrees. Fowlow in column 10, lines 58-67 recites:

"In the central portion 525, also referred to herein as a "worksheet", parts corresponding to various pre-existing objects are arranged and connected graphically to define code for the implementation of the application being composed. Shown in the worksheet are two parts representing pre-existing objects: AudioDev 530, and Input Stream 532. Part 530 is connected to Socket.sub.-- 1 by a connection 534 and is further connected to Input Stream part

532 by a connection 536. Also connected to Input Stream 532 is the interface

Stream 540 and Plug.sub.-- 1 526 by connection 538."

Furthermore, Fowlow in column 11, lines 36-52, recites :

"By connecting the plugs and sockets between the parts located in the worksheet,

such as part 552', the composition builder of the present invention is able to

generate corresponding code for establishing the necessary connections among

the parts thus relieving the programmer of the laborious task of locating the

appropriate objects across the distributed object system, providing the necessary

boilerplate code for accessing those objects, and determining the appropriate

arguments in syntax necessary to establish communications among those objects.

Thus, it will be appreciated that the composition builder facilitates the

construction of applications to be installed in distributed object systems by

providing a simpler way of accessing and reusing code that is available

throughout the distributed object system and implementing that code by providing

an intuitive framework for composing an application."

Therefore Fowlow describes links between visual parts that indicate a relationship

between the parts in the worksheet. The links and relationships between visual parts of

are used to generate and install code. This is different from a graphical data flow

program.

Furthermore, Office Action equates that instantiating objects from the first class is

equivalent to Fowlow's references of files, which are equated to classes, which are

equated to uninstatiated objects. Applicant respectfully disagrees. Fowlow column 12,

lines 14-52, which is cited by the Office Action, simply describes a browser window used

to browse directories, subdirectories, and files contained in the directories and

subdirectories. The aforementioned reference does not cite nor suggest instantiating

objects from the first class.

Furthermore, Fowlow in column 9, lines 45-50, recites:

"In brief, the catalogue is an inventory of the software resources available to the

programmer on the distributed object system. In one embodiment, the catalogue

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provides information to the programmer regarding the function and implementation of the objects referenced by the components contained in the catalogue."

In other words, the catalogue provides information to the programmer regarding the function and implementation of the objects referenced by the components contained in the catalogue. This is different from instantiating objects from the first class.

Furthermore, Fowlow column 6, lines 47-56 recites:

"A developer uses an interface definition language to define an interface for an ORB object, provides a developer object implementation that implements that object's behavior, and then uses the object development facility 16 in order to produce an ORB object implementation 14. At run time, an instance of this ORB object (a servant object) is created that will utilize this ORB object implementation 14. It should be appreciated that the object development facility may also be used to create objects that take the role of clients at some point.

In other words, Fowlow describes an interface definition language used to define an interface for an ORB object, and then the object development facility to produce an ORB object implementation, which at run-time is operable to create an instance of the ORB object. This is different from instantiating objects from a first class.

Furthermore, the Office Action cites that Fowlow in column 2, lines 41 – column 3 line 2 describes creating objects from classes. Applicant respectfully disagrees. Fowlow in column 2, lines 41 – column 3 line 2 recites:

"In particular, it would be highly desirable to allow programmers and other users the ability to create and install distributed objects in a relatively transparent fashion so that objects created in different programming languages and/or objects residing on different computing platforms can be made available on distributed object systems without extensive re-invention of existing programming code, or placing an undue burden on the user."

In other words, Fowlow describes a system to create and install distributed objects in a system. This is different from instantiating objects from a first class.

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Therefore for at least the reasons highlighted above, Applicant submits that claim 15 and claims dependent on claim 15 are allowable. As per claims 17-20, 27-29, 36, 38, 40, 42, 44-47, 54-56, 63, 65, 67, 69-80, 82-84, 89, 102-103, 107-109, 112, 114-120, and 122, the present Office Action refers to the same arguments traversed above for claim 15 as grounds for rejection. Thus, Applicant submits that these claims are also allowable for at least the reasons listed above.

Claims 24-26, 51-53, 88, 90-101, 104-106, 110, 113, and 121 are dependent on allowable claims 15, 42, and 69, and are allowable for at least the reasons listed above. Claims 32, 59, and 81 are dependent on allowable claims 15, 42, and 69, and are allowable for at least the reasons listed above.

Claim 21

The Office Action states that claim 21 is unpatentable in view of Fowlow and Cain and in further view of obviousness. The Applicant respectfully disagrees. The above references do not mention "providing type library information, wherein the type library information specifies a type library and querying said type library to determine the set of classes." The Applicant respectfully notes that it is not obvious to modify Fowlow's system with the class querying feature. Cain describes a system for a relational database management system that has an object based interactive visual-programming language by relying on visual description of inheritance. This is different from using a first node in a graphical data flow program.

Therefore for at least the reasons highlighted above, Applicant submits that claim 21 is allowable. As per claims 22-23, 49-50, and 86-87, the present Office Action refers to the same arguments traversed above for claim 21 as grounds for rejection. Thus, Applicant submits that these claims are also allowable for at least the reasons listed above.

Thus, Applicant submits that the present claims are allowable over the Fowlow and Cain references. Applicant respectfully requests removal of the 103 rejections for claims 15, 17-20, 22-32, 36, 38, 40, 42, 44-47, 49-59, 63, 65, 67, 69-81, 83-84, and 86-114 and 116-122.
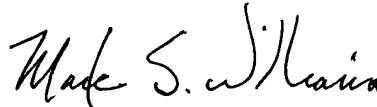
CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-18301/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Request for Continued Prosecution

☒ Fee Authorization

Respectfully submitted,

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